

**Executive Summary – Enforcement Matter – Case No. 49117**  
**DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.**  
**RN101213262**  
**Docket No. 2014-1148-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Daniel Springs Baptist Camp, located on Farm-to-Market Road 999, 0.5 mile northeast from the intersection of Farm-to-Market Road 999 and County Road 129, near Gary, Panola County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 9, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$531

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$531

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - N/A

**Major Source:** Yes

**Statutory Limit Adjustment:** \$39

**Applicable Penalty Policy:** September 2002 and April 2014

**Executive Summary – Enforcement Matter – Case No. 49117  
DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.  
RN101213262  
Docket No. 2014-1148-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** May 19, 2010, February 20, 2013, and June 20, 2014 through June 24, 2014

**Date(s) of NOE(s):** July 25, 2014

***Violation Information***

1. Failed to calibrate the Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
2. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
3. Failed to conduct an annual inspection of the Facility's ground storage tank ("GST") [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
4. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE §§ 290.110(c)(4)(A)].
5. Failed to make water works operation and maintenance records available for review by Commission personnel upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iv), and (f)(3)(A)(vi)].
6. Failed to ensure that all clearwells, GSTs, stand pipes and elevated tanks are painted, disinfected and maintained in strict accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].
7. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Calibrate the Facility's well meter;
  - ii. Conduct an annual inspection of the Facility's GST;

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**Docket No. 2014-1148-PWS-E**

- iii. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once every seven days using an approved method; and
- iv. Compile and begin maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to: the amount of each chemical used each week, the amount of water treated each week, dates the dead ends are flushed, and maintenance records for the water system.
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions a.i. through a.iv.
- c. Within 60 days, compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference.
- d. Within 75 days, submit written certification demonstrating compliance with Ordering Provision c.
- e. Within 180 days:
  - i. Refurbish or replace the 0.065 million gallon GST so that the interior and exterior meet AWWA standards; and
  - ii. Initiate maintenance and good housekeeping practices at the Facility, including but not limited to, refurbishing or replacing the 3,000 gallon pressure tank.
- f. Within 195 days, submit written certification demonstrating compliance with Ordering Provision e.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Lisa Westbrook, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1160; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Jason E. Prewitt, Director, DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC., 1571 Farm-to-Market Road 999, Gary, Texas 75643  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	28-Jul-2014	<b>Screening</b>	11-Aug-2014	<b>EPA Due</b>	
	<b>PCW</b>	2-Oct-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.		
<b>Reg. Ent. Ref. No.</b>	RN101213262		
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49117	<b>No. of Violations</b>	5
<b>Docket No.</b>	2014-1148-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Lisa Westbrook
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$360
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	7.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$25
<b>Notes</b>	Enhancement for one NOV with the same/similar violations and one NOV with dissimilar violations.		
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b>	\$0
<b>Notes</b>	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b>	\$0
<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$2,305		
Estimated Cost of Compliance	\$1,913		
	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$385
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## OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

	0.0%	<b>Adjustment</b>	\$0
<b>Notes</b>			
		<b>Final Penalty Amount</b>	\$385

## STATUTORY LIMIT ADJUSTMENT

		<b>Final Assessed Penalty</b>	\$424
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## DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

	0.0% Reduction	<b>Adjustment</b>	\$0
<b>Notes</b>	No deferral is recommended for Findings Orders.		

## PAYABLE PENALTY

	\$424
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Screening Date 11-Aug-2014

Docket No. 2014-1148-PWS-E

PCW

Respondent DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.

Policy Revision 2 (September 2002)

Case ID No. 49117

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101213262

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one NOV with the same/similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 7%

<b>Screening Date</b>	11-Aug-2014	<b>Docket No.</b>	2014-1148-PWS-E	<b>PCW</b>
<b>Respondent</b>	DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	49117			PCW Revision October 30, 2008
<b>Reg. Ent. Reference No.</b>	RN101213262			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Lisa Westbrook			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(s)(1)
<b>Violation Description</b>	Failed to calibrate the Facility's well meter at least once every three years. Specifically, the well meter had not been calibrated in the previous three years.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR

	Major	Moderate	Minor
Release Actual			
Potential			x

**Percent** 5%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0%

**Matrix Notes**

Failure to calibrate the well meter could result in the operator obtaining inaccurate well production data, resulting in persons served by the Facility being exposed to insignificant amounts of contaminants which would not exceed levels protective of human health.

**Adjustment** \$950

\$50

**Violation Events**

**Number of Violation Events** 1

52 **Number of violation days**

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$50

One single event is recommended.

**Good Faith Efforts to Comply**

0.0%

**Reduction** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes**

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$50

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$87

**Violation Final Penalty Total** \$54

**This violation Final Assessed Penalty (adjusted for limits)** \$54



# Economic Benefit Worksheet

Respondent: DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.  
 Case ID No. 49117  
 Reg. Ent. Reference No. RN101213262  
 Media Public Water Supply  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$62	19-May-2007	11-Aug-2014	8.15	\$25	\$62	\$87
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to properly calibrate the well meter (\$31 per meter), calculated from three years prior to the date of the investigation when the violation was first documented to the screening date.

Approx. Cost of Compliance

\$62

TOTAL

\$87



<b>Screening Date</b>	11-Aug-2014	<b>Docket No.</b>	2014-1148-PWS-E	<b>PCW</b>
<b>Respondent</b>	DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.			
<b>Case ID No.</b>	49117	<small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b>	RN101213262			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Lisa Westbrook			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(l)			
<b>Violation Description</b>	Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, it was documented that the Facility did not have a plant operations and maintenance manual.			
		<b>Base Penalty</b>	\$1,000	

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			<b>Percent</b>
		Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0%

  

**>> Programmatic Matrix**

<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	
100% of the rule requirement was not met.				

**Adjustment** \$900

  

**Violation Events**

Number of Violation Events	1	52	Number of violation days
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<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b>
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	X	

One single event is recommended.

  

**Good Faith Efforts to Comply**

	0.0%		Reduction
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	X	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		

**Violation Subtotal** \$100

  

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	Violation Final Penalty Total
\$24	\$107
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$107	

# Economic Benefit Worksheet

**Respondent** DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.

**Case ID No.** 49117

**Reg. Ent. Reference No.** RN101213262

**Media** Public Water Supply

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System	\$100	19-May-2010	31-Mar-2015	4.87	\$24	\$0	\$24
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount necessary to compile and maintain an up-to-date plant operations manual, calculated from the date of the investigation when the violation was first documented to the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$100

**TOTAL**

\$24

Screening Date 11-Aug-2014

Docket No. 2014-1148-PWS-E

PCW

Respondent DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.

Policy Revision 2 (September 2002)

Case ID No. 49117

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101213262

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description

Failed to conduct an annual inspection of the Facility's ground storage tank ("GST"). Specifically, it was documented that the GST had not been inspected the previous 12 months.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to inspect the GST on an annual basis could cause non-detection of defects and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

52 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$100

One annual event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$226

Violation Final Penalty Total \$107

This violation Final Assessed Penalty (adjusted for limits) \$107

# Economic Benefit Worksheet

**Respondent** DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.

**Case ID No.** 49117

**Reg. Ent. Reference No.** RN101213262

**Media** Public Water Supply

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$41	19-May-2009	11-Aug-2014	5.23	\$11	\$215	\$226
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to conduct an annual inspection of the Facility's GST, calculated from the 12 months prior to the date of the investigation when the violation was first documented to the screening date.

**Approx. Cost of Compliance**

\$41

**TOTAL**

\$226

<b>Screening Date</b>	11-Aug-2014	<b>Docket No.</b>	2014-1148-PWS-E	<b>PCW</b>
<b>Respondent</b>	DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.			
<b>Case ID No.</b>	49117	Policy Revision 2 (September 2002) PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.</b>	RN101213262			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Lisa Westbrook			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(c)(4)(A)			
<b>Violation Description</b>	Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days. Specifically, it was documented that the disinfectant residual was not monitored once every seven days and instead was monitored once every month.			
<b>Base Penalty</b>				\$1,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Major</b>	<b>Harm Moderate</b>	<b>Minor</b>		
	Actual					
	Potential		x			
					<b>Percent</b>	10%

  

**>> Programmatic Matrix**

<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>			
					<b>Percent</b>	0%

  

**Matrix Notes**  
 Failure to monitor the disinfectant residual at least once every seven days in the distribution system may expose persons served by the Facility to significant amounts of contaminants which would not exceed levels protective of human health.

  

**Adjustment** \$900

\$100

  

**Violation Events**

Number of Violation Events	1	52	Number of violation days
----------------------------	---	----	--------------------------

  

mark only one with an x	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

  

One quarterly event is recommended, calculated from the most recent investigation date, June 20, 2014, to the screening date, August 11, 2014.

  

**Good Faith Efforts to Comply**

0.0%		Reduction	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		

  

**Violation Subtotal** \$100

  

**Economic Benefit (EB) for this violation**

Estimated EB Amount	\$1,924	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b>
		\$107
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>
		\$107



# Economic Benefit Worksheet

**Respondent** DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.  
**Case ID No.** 49117  
**Req. Ent. Reference No.** RN101213262  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$1,530	19-May-2010	11-Aug-2014	5.15	\$394	\$1,530	\$1,924

Notes for AVOIDED costs

The avoided cost includes the estimated amount to perform monitoring of the disinfectant residual for the weeks missed (\$10 per week x three weeks x 51 months), calculated from the date of the investigation when the violation was first documented to the date of screening.

Approx. Cost of Compliance

\$1,530

TOTAL

\$1,924

Screening Date 11-Aug-2014

Docket No. 2014-1148-PWS-E

PCW

Respondent DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.

Policy Revision 2 (September 2002)

Case ID No. 49117

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101213262

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iv), and (f)(3)(A)(vi)

Violation Description

Failed to make water works operation and maintenance records available for review by Commission personnel upon request. Specifically, it was documented that the following records were not made available for review: the amount of each chemical used each week, the amount of water treated each week, the dates the dead ends are flushed and the maintenance records for the water system.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of rule requirement was not met.

Adjustment \$990

\$10

## Violation Events

Number of Violation Events 1

52 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$43

Violation Final Penalty Total \$11

This violation Final Assessed Penalty (adjusted for limits) \$50



# Economic Benefit Worksheet

Respondent DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.  
 Case ID No. 49117  
 Reg. Ent. Reference No. RN101213262  
 Media Public Water Supply  
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/Construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	\$0	\$0
Record Keeping System	\$180	19-May-2010	28-Feb-2015	4.78	\$43	\$43
Training/Sampling			0.00	\$0	\$0	\$0
Remediation/Disposal			0.00	\$0	\$0	\$0
Permit Costs			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

### Notes for DELAYED costs

The delayed cost includes the estimated amount to develop a record-keeping system (\$45 per record x four missing records), calculated from the date of the investigation when the violation was first documented to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$43



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	28-Jul-2014	<b>Screening</b>	11-Aug-2014	<b>EPA Due</b>	
	<b>PCW</b>	2-Oct-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.				
<b>Reg. Ent. Ref. No.</b>	RN101213262				
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49117	<b>No. of Violations</b>	2
<b>Docket No.</b>	2014-1148-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Lisa Westbrook
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$100

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **7.0%** Enhancement **Subtotals 2, 3, & 7** \$7

Notes

Enhancement for one NOV with the same/similar violations and one NOV with dissimilar violations.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$0

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$2,724  
Estimated Cost of Compliance \$32,500

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$107

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$107

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$107

**DEFERRAL** **0.0%** Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** \$107

Screening Date 11-Aug-2014

Docket No. 2014-1148-PWS-E

PCW

Respondent DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.

Policy Revision 4 (April 2014)

Case ID No. 49117

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101213262

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 7%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 7%

Screening Date 11-Aug-2014

Docket No. 2014-1148-PWS-E

PCW

Respondent DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.

Policy Revision 4 (April 2014)

Case ID No. 49117

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101213262

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(8)

Violation Description

Failed to ensure that all clearwells, ground storage tanks ("GSTs"), stand pipes and elevated tanks are painted, disinfected and maintained in strict accordance with American Water Works Association ("AWWA") standards. Specifically, it was documented that the 0.065 million gallon GST was rusted on the exterior and in need of being recoated with paint.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain the GST in accordance with AWWA standards could allow significant amounts of contaminants to enter the water supply that would not exceed levels protective of human health.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 1

52 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$50

One quarterly event is recommended, calculated from the date of the investigation, June 20, 2014, to the screening date, August 11, 2014.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2,514

Violation Final Penalty Total \$54

This violation Final Assessed Penalty (adjusted for limits) \$54

# Economic Benefit Worksheet

Respondent DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.

Case ID No. 49117

Reg. Ent. Reference No. RN101213262

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$30,000	20-Jun-2014	31-Aug-2015	1.20	\$120	\$2,395	\$2,514
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to refurbish or replace the GST, calculated from the first date of the investigation when the violation was documented to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$30,000

TOTAL

\$2,514



Screening Date 11-Aug-2014

Docket No. 2014-1148-PWS-E

PCW

Respondent DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.

Policy Revision 4 (April 2014)

Case ID No. 49117

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101213262

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, it was documented that the 3,000 gallon pressure tank was rusted on the exterior and in need of being recoated with paint.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain the good working condition and general appearance of the Facility's equipment could expose the customers to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 1

52 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$50

One quarterly event is recommended, calculated from the date of the investigation, June 20, 2014, to the screening date, August 11, 2014.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$210

Violation Final Penalty Total \$54

This violation Final Assessed Penalty (adjusted for limits) \$54

# Economic Benefit Worksheet

**Respondent** DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.  
**Case ID No.** 49117  
**Reg. Ent. Reference No.** RN101213262  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	----------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	20-Jun-2014	31-Aug-2015	1.20	\$10	\$200	\$210
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

### Notes for DELAYED costs

The delayed cost includes the estimated amount to refurbish or replace the pressure tank, calculated from the first date of the investigation when the violation was documented to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$210



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PENDING** Compliance History Report for CN600656086, RN101213262, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent,** CN600656086, DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC. **Classification:** UNCLASSIFIED  
**Rating:** -----

**or Owner/Operator:**

**Regulated Entity:** RN101213262, DANIEL SPRINGS BAPTIST CAMP **Classification:** NOT APPLICABLE  
**Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** ON FARM-TO-MARKET ROAD 999, 0.5 MILE NORTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 999 AND COUNTY ROAD 129, NEAR GARY, PANOLA COUNTY, TEXAS

**TCEQ Region:** REGION 05 - TYLER

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1830018 **WATER LICENSING LICENSE** 1830018

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** September 24, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 24, 2009 to September 24, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Lisa Westbrook

**Phone:** (512) 239-1160

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:**  
N/A

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:      01/31/2014      (1143605)      CN600656086  
Self Report?   NO      Classification:   Minor  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(f)  
  
Description:   Failure to maintain weekly records of chlorine residuals.  
Self Report?   NO      Classification:   Minor  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(f)  
Description:   Failure to maintain records of water works operations.  
Self Report?   NO      Classification:   Moderate  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(d)(1)  
Description:   Failure to take weekly chlorine residuals in the distribution.  
Self Report?   NO      Classification:   Minor  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
Description:   Failure to annually inspect the pressure tank.  
Self Report?   NO      Classification:   Minor  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)  
Description:   Failure to annually inspect the water tanks.  
Self Report?   NO      Classification:   Minor  
Citation:      30 TAC Chapter 290, SubChapter D 290.42(l)  
Description:   Failure to develop a plant operations and maintenance manual.  
Self Report?   NO      Classification:   Minor  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(s)(1)  
Description:   Failure to verify the calibration of well flow meters at least once every three years.  
Self Report?   NO      Classification:   Minor  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(f)  
Description:   Failure to keep records organized and onsite for investigator review during comprehensive compliance investigations.  
Self Report?   NO      Classification:   Minor  
Citation:      30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description:   Failure to provide each well with a screened casing vent that is facing downward, elevated and located so as to minimize the drawing of contaminants into the well.
- 2      Date:      06/20/2014      (1179871)      CN600656086  
Self Report?   NO      Classification:   Moderate  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
Description:   Failure to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system.  
Self Report?   NO      Classification:   Moderate  
Citation:      30 TAC Chapter 290, SubChapter D 290.42(e)(3)  
Description:   Failure to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## **Component Appendices**

### **Appendix A**

#### **All NOVs Issued During Component Period 9/24/2009 and 9/24/2014**

- 1      Date:    07/06/2010    (827202)      CN600656086  
Classification:    Minor  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(f)  
Description:    Failure to maintain records of water works operations.  
Classification:    Moderate  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(d)(1)  
Description:    Failure to take weekly chlorine residuals in the distribution.  
Classification:    Minor  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
Description:    Failure to annually inspect the pressure tank.  
Classification:    Minor  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)  
Description:    Failure to annually inspect the water tanks.  
Classification:    Minor  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.42(l)  
Description:    Failure to develop a plant operations and maintenance manual.  
Classification:    Minor  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(s)(1)  
Description:    Failure to verify the calibration of well flow meters at least once every three years.  
Classification:    Minor  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(f)  
Description:    Failure to keep records organized and onsite for investigator review during comprehensive compliance investigations.
- 2      Date:    03/21/2013    (1073175)      CN600656086  
Classification:    Minor  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(f)  
Description:    Failure to maintain weekly records of chlorine residuals.  
Classification:    Minor  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(f)  
Description:    Failure to maintain records of water works operations.  
Classification:    Moderate  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(d)(1)  
Description:    Failure to take weekly chlorine residuals in the distribution.  
Classification:    Minor  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
Description:    Failure to annually inspect the pressure tank.  
Classification:    Minor  
Self Report?    NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)  
Description:    Failure to annually inspect the water tanks.

		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.42(I)		
Description:	Failure to develop a plant operations and maintenance manual.		
		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
Description:	Failure to verify the calibration of well flow meters at least once every three years.		
		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)		
Description:	Failure to keep records organized and onsite for investigator review during comprehensive compliance investigations.		
		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)		
Description:	Failure to provide each well with a screened casing vent that is facing downward, elevated and located so as to minimize the drawing of contaminants into the well.		
		Classification:	Moderate
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)		
Description:	Failure to maintain a free chorine residual of at least 0.2 mg/L throughout the distribution system.		
3*      Date:      01/31/2014      (1143605)      CN600656086			
		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)		
Description:	Failure to maintain weekly records of chlorine residuals.		
		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)		
Description:	Failure to maintain records of water works operations.		
		Classification:	Moderate
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(1)		
Description:	Failure to take weekly chlorine residuals in the distribution.		
		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)		
Description:	Failure to annually inspect the pressure tank.		
		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)		
Description:	Failure to annually inspect the water tanks.		
		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.42(I)		
Description:	Failure to develop a plant operations and maintenance manual.		
		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
Description:	Failure to verify the calibration of well flow meters at least once every three years.		
		Classification:	Minor
Self Report?	NO	For Informational Purposes Only	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)		
Description:	Failure to keep records organized and onsite for investigator review during		

comprehensive compliance investigations.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to provide each well with a screened casing vent that is facing downward, elevated and located so as to minimize the drawing of contaminants into the well.

4\*

Date: 06/20/2014 (1179871)

CN600656086

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

Description: Failure to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)

Description: Failure to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions.

\* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

## Appendix B

### All Investigations Conducted During Component Period September 24, 2009 and September 24, 2014

(827202)

Item 1 July 06, 2010\*\*

For Informational Purposes Only

(1073175)

Item 2 March 11, 2013\*\*

For Informational Purposes Only

(1115229)

Item 3 September 25, 2013\*\*

For Informational Purposes Only

(1143605)

Item 4 January 24, 2014\*\*

For Informational Purposes Only

(1179871)

Item 5 July 25, 2014\*\*

For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DANIEL MEMORIAL BAPTIST  
ENCAMPMENT, INC.  
RN101213262

§  
§  
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§  
§  
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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2014-1148-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located on Farm-to-Market Road 999, 0.5 mile northeast of the intersection of Farm-to-Market Road 999 and



County Road 129 near Gary, Panola County, Texas (the "Facility") that has approximately 36 service connections and serves at least 25 people per day for at least 60 days per year.

2. During investigations conducted on May 19, 2010, February 20, 2013, and June 20, 2014 through June 24, 2014, TCEQ staff documented that the well meter had not been calibrated in the previous three years.
3. During investigations conducted on May 19, 2010, February 20, 2013, and June 20, 2014 through June 24, 2014, TCEQ staff documented that the Facility did not have a plant operations and maintenance manual.
4. During investigations conducted on May 19, 2010, February 20, 2013, and June 20, 2014 through June 24, 2014, TCEQ staff documented that the ground storage tank ("GST") had not been inspected the previous 12 months.
5. During investigations conducted on May 19, 2010, February 20, 2013, and June 20, 2014 through June 24, 2014, TCEQ staff documented that the disinfectant residual was not monitored once every seven days and instead was monitored once every month.
6. During investigations conducted on May 19, 2010, February 20, 2013, and June 20, 2014 through June 24, 2014, TCEQ staff documented that the following records were not made available for review: the amount of each chemical used each week, the amount of water treated each week, the dates the dead ends are flushed and the maintenance records for the water system.
7. During an investigation conducted from June 20, 2014 through June 24, 2014, TCEQ staff documented that the 0.065 million gallon ("MG") GST was rusted on the exterior and in need of being recoated with paint.
8. During an investigation conducted from June 20, 2014 through June 24, 2014, TCEQ staff documented that the 3,000 gallon pressure tank was rusted on the exterior and in need of being recoated with paint.
9. The Respondent received notice of the violations on July 29, 2014.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE CH. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).

3. As evidenced by Findings of Fact No. 3, the Respondent failed to maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to conduct an annual inspection of the Facility's GST, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE §§ 290.110(c)(4)(A).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to make water works operation and maintenance records available for review by Commission personnel upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iv), and (f)(3)(A)(vi).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to ensure that all clearwells, GSTs, stand pipes and elevated tanks are painted, disinfected and maintained in strict accordance with American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
8. As evidenced by Findings of Fact No. 8, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of Five Hundred Thirty-One Dollars (\$531) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY Code § 341.049(b). The Respondent has paid the Five Hundred Thirty-One Dollar (\$531) administrative penalty.

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Hundred Thirty-One Dollars (\$531) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order

completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC., Docket No. 2014-1148-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Calibrate the Facility's well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Conduct an annual inspection of the Facility's GST, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - iii. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once every seven days using an approved method, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
    - iv. Compile and begin maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to: the amount of each chemical used each week, the amount of water treated each week, dates the dead ends are flushed, and maintenance records for the water system, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iv.;
  - c. Within 60 days after the effective date of this Agreed Order, compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include

detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.;

- e. Within 180 days after the effective date of this Agreed Order:
  - i. Refurbish or replace the 0.065 MG GST so that the interior and exterior meet AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
  - ii. Initiate maintenance and good housekeeping practices at the Facility, including but not limited to, refurbishing or replacing the 3,000 gallon pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3734

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Barbara Deneve*  
For the Executive Director

3/25/15  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC. I am authorized to agree to the attached Agreed Order on behalf of DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*James L. Speer*  
Signature

12/3/2014  
Date

James L. Speer  
Name (Printed or typed)  
Authorized Representative of  
DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC.

Director  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.